

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD

Heber M. Wells Building

Room 210

9:00 a.m.

November 29, 2017

TELEPHONE MEETING

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Kadee Wright, Chief Investigator
Justin Barney, Hearing Officer
Allen McNeil, Real Estate Analyst
Amber Nielsen, Board Secretary
Kendelle Christiansen, Education Coordinator
Jim Bolton, Investigator
Craig Livingston, Investigator
Faruk Halilovic, Division Staff

BOARD MEMBERS PRESENT:

John E. Ulibarri, Chair
Jeffrey T. Morley, Vice Chair
Jim Bringham, Board Member
Richard Sloan, Board Member
Keven Ewell, Board Member

PUBLIC MEMBERS PRESENT:

Joel Hinckley
Megan McKenna
Mark Schiffman*
Jeff S Allen

*Appeared via telephone

The November 29, 2017 meeting of the Appraiser Licensing and Certification Board began at 9:00 a.m. with Chair Ulibarri conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – It was noted that the attendance of Board Members was not accurately reflected and would need to be corrected. A motion was made and seconded to approve the October 25, 2017 minutes as amended. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Sloan, yes. The motion passes.

Public Comment Period – No public comment was given.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported on the ASCs Compliance Review Report of their July audit of the Division. Director Stewart briefly outlined the process receiving the final report. The first area reviewed is Statutes and Regulations/Policies and Procedures; their initial finding noted a lack of legal resources has led to a failure to timely resolve complaints. The Division's response noted the addition of the third AG and the newly created position of Real Estate Analyst to assist in formal and informal administrative hearings. The rating was revised to an area of concern and it was noted the Division should have sufficient funding and staffing for a timely resolution to the complaint process. The second area of temporary practice had no issues. The third area of the national registry had no issues. The fourth area of the application process had no issues. The fifth area of reciprocity had no issues. The sixth area of education had no issues. The seventh issue of enforcement noted that all complaints filed with the Division must be resolved within one year of the complaint date in the absence of special documented circumstances. In the initial report they noted the state had 36 outstanding complaints, of which 5 were unresolved for over one year and 10 were unresolved for over 2 years. Of the aged complaints, 5 were removed for special documented circumstances. In the Division response, the Division reported 9 of the 15 aged complaints have been resolved. That left 6 which were older than a year, of which 4 have already had petitions filed which leaves 2 cases which have not had petitions filed but are with the AGs office. The investigators have zero cases which are over one year. The overall rating was good. Director Stewart announced that Tiffany Brown has joined the AGs office and will be working with the Division. He noted the Division now has three dedicated AGs and the Real Estate Analyst.

Director Stewart reported the legislative draft has been sent to the Office of Legislative Research. The Division will receive a draft back from them. He noted most of the changes deal with the minimum standards for AMCs. He mentioned one change was addressed in a bulletin. He noted the Bill will allow the Division to collect the AMC registry fee which currently is assessed at \$25 per appraiser on a panel. The Bill would be effective May or June. If the Bill does not pass the Division may request an extension in order to remain in compliance. Board Member Morley asked if the ASC sets the fee. Director Stewart reported that the ASC sets those fees.

Chair Ulibarri congratulated the Division on their good rating with the ASC.

ENFORCEMENT REPORT – Mark Fagergren

Ms. Wright reported in October the Division received 5 complaints; opened 4 new cases; closed 12 cases; leaving 36 appraisal cases open with the Division. There are a total of 7 cases now with the AG's office.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren presented lists of individuals who were approved for licensing by the Division since the last meeting.

Disciplinary List

Milinda D Mace

Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees

Cameron White, LA Candidate

Certified and Licensed Appraiser Applicants Approved by the Education Committee and Denied by the Experience Review Committee

Megan McKenna, LA Candidate

Mr. Fagergren discussing the training for reviewers. Mr. Fagergren reported he had been communicating with Chair Ulibarri and Vice Chair Morley to discuss an outline for the training. They are reviewing an outline for a training meeting in January and which would then subsequently be available.

Mr. Fagergren discussed further expanding the amendment regarding transfer fees to include individuals transitioning from a Trainee to the Licensed appraiser which would be similar to the rule proposed last month. There was discussion on also adding that same option for individuals going from a Certified Residential to a Certified General. Mr. Barney will draft that language and present it to the Board.

BOARD AND INDUSTRY ISSUES

Mr. Barney reported the rule amendment that has been in the works for several months was filed October 2 and is currently in the public comment period. The public comment period ends December 1. The earliest effective date would be December 8. Not public comments have yet been received on this rule amendment. A motion was made and seconded to approve the rule and make it effective December 8, 2017 if no public comment is received. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

Mr. Barney reported the AMC rules committee which has been meeting for nearly two years has had several meetings and has met with members of the industry and received their input. He presented draft language for the Board to consider. Chair Ulibarri proposed additional language be added to the rule which would mirror the GRAMA language prohibiting duplicative requests for information from the AMCs. Mark Schiffman and Joel Hinckley spoke and voiced the opposition of the AMCs to this language. The effects on valuations was discussed. A motion was made to make some changes

as reflected in the discussion today and bring back the updated language next month. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

A brief recess was held from 9:55 a.m. to 10:05 a.m.

The meeting resumed at 10:05 a.m. for the Informal Hearing of Jeff S. Allen.

INFORMAL ADJUDICATIVE HEARING

10:05 Jeff S Allen – Respondent
Mark Fagergren, Division Witness
Kendelle Christiansen, Division Witness
Kadee Wright, Division Witness

The hearing for Mr. Allen concluded at 11:17 a.m.

A motion was made and seconded to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held from approximately 11:18 a.m. to 12:11 p.m.

OPEN TO PUBLIC

RESULTS OF EXECUTIVE SESSION

Disciplinary List

Milinda D Mace – Denied

Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees

Cameron White, LA Candidate – Approved

Certified and Licensed Appraiser Applicants Approved by the Education Committee and Denied by the Experience Review Committee

Megan McKenna, LA Candidate – Denied

Mr. Allen will be notified by mail of the results of his hearing.

A motion was made and seconded to adjourn the meeting. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes. The meeting adjourned at approximately 12:12 p.m.